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9
10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 * * *

13 THERESA L. STALL, individually, and
14 MARCUS STALL,

15 Plaintiffs,

16 vs.

17 JOHANN MONTEAGUDO, individually;
18 KNIGHT REFRIGERATED, LLC, a Foreign
Limited Liability Company; KNIGHT
19 TRANSPORTATION, INC., a Foreign
Corporation; DOES 1 through 20, inclusive; and
20 ROE BUSINESS ENTITIES 1 through 20,
21 inclusive,

22 Defendants.

Case No. 2:18-cv-01928-JCM-PAL

DISCOVERY PLAN AND
SCHEDULING ORDER

23 COME NOW the Plaintiffs, THERESA L. STALL and MARCUS STALL ("Plaintiffs"), by
24 and through their attorneys, BRETT A. CARTER, ESQ. and LINDSAY K. CULLEN, ESQ., of
25 BERTOLDO BAKER CARTER & SMITH, Defendants JOHANN MONTEAGUDO, KNIGHT
26 REFRIGERATED, LLC and KNIGHT TRANSPORTATION, INC. ("Defendants") by and through
27 their attorneys, JOEL D. ODOU, ESQ. and ANALISE N.M. TILTON, ESQ. of WOOD SMITH
28

1 HENNING & BERMAN, and hereby submit the instant Discovery Plan and Scheduling Order
2 pursuant to Local Rule 26-1.

3 **MEETING**

4 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(e), a meeting was
5 held on October 30, 2018, and was attended telephonically by Brett Carter, Esq. on behalf of
6 Plaintiffs and Analise Tilton, Esq. on behalf of Defendants.

7 **26(F)/LR 26-1 CONFERENCE AND DISCOVERY PLAN**

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9 1. There are no changes to be made in the timing, form, or requirement for
10 disclosures under Rule 26(a). On October 30, 2018 counsel for the parties met and conferred as
11 required by Fed. R. Civ. P. 26(f) and LR 26-1(d). Plaintiffs and Defendants agreed to have their
12 respective FRCP Productions submitted within 14 days of the Conference.

13 2. Discovery will be conducted on liability and damages claims and defenses and
14 other topics permissible under Rule 26(A). The parties agree that discovery need not be conducted
15 in phases focused on any particular issues.

16 3. There are no concerns, at this juncture, regarding the production of electronically
17 stored discovery.

18 4. There are no concerns, at this juncture, regarding the claim of privilege or
19 necessity for protective orders.

20 5. The parties did not anticipate any potential limitations to be imposed on discovery.

21 6. Estimated time for trial: seven (7) – ten (10) full trial days.

22 7. The parties agreed that there is no need for orders, at this juncture, to be issued
23 under Rule 26(c) or Rule 16(b) and (c), although the parties reserve the right to seek such orders as
24 discovery continues.

25 8. Alternate Dispute Resolution: The parties conferred about the possibility of using
26 alternative dispute-resolution processes and at this time have not come to any agreement regarding
27 the same.

10. Electronic Evidence. The parties do not intend to present evidence in electronic format to jurors for the purpose of jury deliberations at this time.

The parties request a discovery period of 180 days as contemplated by Local Rule 26-1.

The parties jointly propose the following discovery plan:

In the event dispositive motions are filed, however, the date for filing a Joint Pretrial Order shall be suspended until thirty (30) days after the decision regarding any dispositive motions or upon further order of the Court.


Defendants made their Initial Disclosures via U.S. Mail on 11/13/18.

Extension or Modification of Discovery Plan and Scheduling Order:

Local Rule 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth herein must be made not later than twenty-one (21) days before the expiration of the subject deadline.

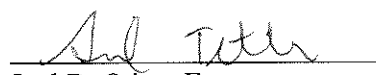
DATED this 15 day of January 2019.

BERTOLDO BAKER CARTER & SMITH

By: 
Brett A. Carter, Esq.
Nevada Bar No.: 5904
Lindsay K. Cullen, Esq.
Nevada Bar No.: 12364
7408 West Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Plaintiffs

DATED this 15 day of January 2019.

WOOD SMITH HENNING & BERMAN

By: 
Joel D. Odou, Esq.
Nevada Bar No.: 7468
Analise N.M. Tilton, Esq.
Nevada Bar No.: 13185
2881 Business Park Court, Ste 200
Las Vegas Nevada 89128
Attorneys for Defendants

ORDER

The court entered a discovery plan and scheduling order on behalf of the parties on January 16, 2019 when the parties did not timely file their proposed plan. See Scheduling Order (ECF No. 22). The parties' proposed plan was not timely filed and does not comply with the requirements of LR 26-1.

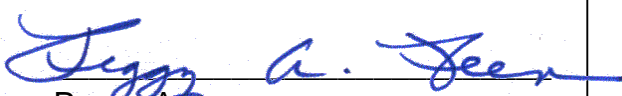
Accordingly,

IT IS ORDERED that:

1. The parties' proposed Discovery Plan and Scheduling Order (ECF No. 24) is **NOT APPROVED**.

2. The deadlines established by the court's Scheduling Order (ECF No. 22) entered January 16, 2019 shall apply.

Dated: January 18, 2019


Peggy A. Leen
United States Magistrate Judge